IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 15 OF 1992

The State of Maharashtra ... Appellant
(Org.Complainant)

Vs.

Rangnath Chilaji Barde,
age30 years, R/o Anandwadi
Manmad, Taluka: Nandgaon,
District: Nasik. ...Respondent
(Orig.Accused)

Mr. S.R.Shinde, APP, for the Appellant-State.

CORAM: S.K.SHAH,J.

DATE : 29th November,2005.

ORAL JUDGMENT :

1. This Appeal is filed by the State for enhancement of sentence passed by the Judicial Magistrate, First Class, (Railways), Manmad. The accused was sentenced to suffer simple imprisonment for one day till the rising of the Court and to pay fine of Rs.20/- and in default to suffer four days R.I. for the offence punishable under Section 3(a) of the Railway Property (Unlawful Possession) Act, 1966.

2. The complaint was filed by the Sub-Inspector, Manmad Karkhana against the accused for having been found in unlawful possession of two axeless guard plates 25 kgs. in weight worth Rs.180/- belonging to the Railways. The accused was unable to explain his possession either by purchase receipt or otherwise. Therefore, complaint was lodged. The accused pleaded guilty to the said offence charged against him by the Judicial Magistrate, First Class, Railways. He however, pleaded leniency on the ground that the accused was blind. He had wife and three children. His economic condition was very poor. His application for leniency also indicated that the accused had by mistake lifted the property which is belonging to the Railways and further stated that he was repenting for the same. It is on this ground leniency was shown by the learned Magistrate to the accused.

3. Considering these aspects, I do not find that the learned Magistrate had committed any error in passing the aforesaid sentence. I do not find any merit in the Appeal.

The Appeal is, therefore, dismissed.

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(S.K.SHAH,J.)